



Paper No. 7

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In re Application of	:	OFFICE OF PETITIONS
Kurn et al.	:	A/C PATENTS
Application No. 09/735,087	:	
Filed: December 11, 2000	:	DECISION GRANTING PETITION
Attorney Docket No. 20206-033	:	
(P00-3017)	:	

This is a decision on the petition filed March 2, 2001, requesting that Figure 1 described in the specification be accorded a filing date of December 11, 2000, as part of the original disclosure.

On December 11, 2000, the above-identified application was filed. On February 14, 2001, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application (Notice), stating that the application had been accorded a filing date of December 11, 2000, and advising applicant that Figure 1, described in the specification, appeared to have been omitted.

In response, on March 2, 2001, applicants filed the present petition, a copy of the Express Mail label, a copy of the Notice, a duplicate copy of all six sheets of drawings, a copy of the filing transmittal, and a check in the amount of \$130 for the petition fee. The petition is further accompanied by a copy of applicants' postcard receipt acknowledging receipt of six (6) sheets of drawings in the United States Patent and Trademark Office (Office) on December 11, 2000. Applicants request that the application, including all six (6) sheets of drawings, be accorded a filing date of December 11, 2000.

Upon review of the record, six (6) sheets of drawings, deposited on December 11, 2000, have not been located among the application papers. Only five (5) sheets have been located, which contains Figures 2-6. However, the evidence is convincing that the application papers deposited on December 11, 2000, included six (6) sheets of drawings, the first of which was subsequently misplaced in the Office. Therefore, the application, including six (6) sheets of drawings, was complete on filing and entitled to a filing date of December 11, 2000.

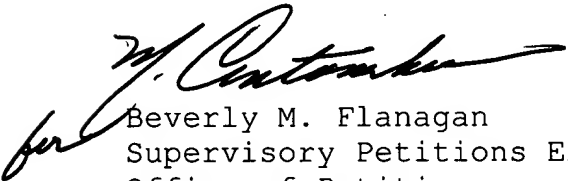
Accordingly, the petition is **GRANTED**.

The Notice mailed February 14, 2001, was sent in error and is

hereby **VACATED**. Therefore, no petition fee is necessary, and petitioner's Deposit Account will be credited in the amount of \$130.00 for the petition fee, as authorized in the petition.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 11, 2000, using the five sheets which have been located in the file, as well as the one (1) sheet of drawings containing Figure 1 submitted on March 2, 2001 and indicating in the Office records that six (6) sheets of drawings were included on filing.

Any inquiries related to this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Beverly M. Flanagan
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for Patent Examination Policy